

REMARKS

In the Official Action, claims 1-32 were rejected by the Examiner. Specifically, the Examiner rejected claims 1, 2, 4-11, 13-22, and 25-30 under 35 U.S.C. § 103(a) as being unpatentable over Pivowar et al. (U.S. Patent No. 6,457,062) (“Pivowar”) in view of Pivowar et al. (U.S. Patent No. 6,466,236) (“Pivowar ‘236”), and the Examiner rejected claims 3, 12, 23, 24, 31, and 32 under 35 U.S.C. § 103(a) as being obvious over Pivowar and Pivowar ‘236 in further view of Jeff Carlson’s Palm Organizers (“Carlson”). Each of these rejections is addressed in detail below.

In the present response, Applicants amended independent claims 1 and 13 to include aspects of claims 3 and 23, respectively. Applicants canceled dependent claims 3 and 23, and amended claim 12 to depend from independent claim 1 instead of canceled claim 3. In view of the foregoing amendments and following remarks, Applicants respectfully request reconsideration of the rejections and allowance of the pending claims.

First Rejection under 35 U.S.C. § 103

As set forth above, the Examiner rejected claims 1, 2, 4-11, 13-22 and 25-30 under 35 U.S.C. § 103(a) as being obvious over Pivowar in view of Pivowar ‘236. Specifically, regarding independent claims 1, 13 and 25, the Examiner stated:

As per claim 1, Pivowar teaches a device for managing a combination of family-related matters and work-related matters, the device comprising:

a processor (col. 1, lines 35-39);

a calendaring program running on the processor (col. 1, lines 35-39);

and

an input/output stage operably coupled to the processor (col. 4, lines 50-63) and adapted to communicate with a remote device to update the calendars (col. 5, lines 41-47).

However, Pivowar does not explicitly disclose the calendaring program adapted to provide at least one calendar corresponding to family-related matters and at least one calendar corresponding to work-related matters.

Pivowar '236 discloses a calendaring program adapted to provide at least one family-related calendar and at least one work-related calendar (col. 6, lines 12-17). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the various types of calendars available in Pivowar '236 with the device of Pivowar in order for an individual to be able to organize their time according to the various lifestyles they pursue.

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As per independent claim 13, Pivowar teaches a system for managing a combination of family-related matters and work-related matters, the system comprising:

- a first device designated as a hub (col. 4, lines 50-51);
- a plurality of second devices (col. 4, lines 50-51);
- a host computer adapted to communicate with the first device and with the plurality of second devices (col. 4, lines 50-51); and
- a calendaring program running on at least the first device (col. 2, lines 15-28), the calendaring program adapted to update the calendars in response to communication between the first device and the host computer (col. 5, lines 41-47).

However, Pivowar does not explicitly disclose the calendaring program adapted to provide at least one calendar corresponding to family-related matters and at least one calendar corresponding to work-related matters. Pivowar '236 discloses a calendaring program adapted to provide at least one family-related calendar and at least one work-related calendar (col. 6, lines 12-17). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the various types of calendars available in Pivowar '236 with the device of Pivowar in order for an individual to be able to organize their time according to the various lifestyles they pursue.

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As per independent claim 25, Pivowar teaches a system for managing a combination of family-related matters and work-related matters, the system comprising:

- a family/work device (Fig. 3, *APDA/BPDA 102*);
- a plurality of work devices (Fig. 3, *BPDA 102*);
- a private host computer communicatively coupled to the family/work device and to the plurality of work devices, the private host computer maintaining work-related matters (Fig. 3, *SERVER 104*; col. 4, lines 56-57);
- a plurality of family devices (Fig. 3, *APDA 102*);
- a public host computer communicatively coupled to the family/work device and to the plurality of family devices, the public host computer maintaining family-related matters (Fig. 3, *SERVER 104*; col. 4, lines 56-57); and
- a calendaring program running on at least the family/work device (col. 2, lines 15-28), the calendaring program adapted to update the calendars in response to communication between the family/work device and the host computers (col. 5, lines 41-47).

However, Pivowar does not explicitly disclose the calendaring program adapted to provide at least one calendar corresponding to family-related matters and at least one calendar corresponding to work-related matters. Pivowar '236 discloses a calendaring program adapted to provide at least one family-related calendar and at least one work-related calendar (col. 6, lines 12-17). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the various types of calendars available in Pivowar '236 with the device of Pivowar in order for an individual to be able to organize their time according to the various lifestyles they pursue.

Applicants respectfully traverse these rejections. The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (P.T.O. Bd. App. 1979). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). Accordingly, to establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (Bd. Pat. App. & Inter. 1985).

In the present case, the combination of Pivowar and Pivowar '236 cannot render the Applicants' claims obvious under 35 U.S.C. § 103 because the combination does not include all of the elements recited in the Applicants' claims. Independent claims 1 and 13 have been amended to recite subject matter originally set forth in dependent claims 3 and 23, respectively. Accordingly, independent claims 1 and 13 now recite a calendaring program adapted to provide "at least one *calendar* corresponding to a *merger* of the family-related matters and the work-related matters" that is "adapted to display *icons* that *distinguish* between the family-related matters and the work-related matters." (Emphasis added). Because the

Examiner has admitted that the combination of the two Pivowar references does not disclose this subject matter, the rejection is moot with regard to claims 1, 2, 4-22 and 24.

Turning to independent claim 25, Applicants respectfully assert that the combination of Pivowar and Pivowar '236 cannot render the claimed subject matter obvious under 35 U.S.C. § 103 because the combination does not include all of the elements recited in the claim. Specifically, for example, independent claim 25 recites, “*a private* host computer communicatively coupled to the family/work device and to the plurality of work devices, the private host computer maintaining work-related matters” and “*a public* host computer communicatively coupled to the family/work device and to the plurality of family devices, the public host computer maintaining family related matters.” (Emphasis added).

In contrast to claim 25, Pivowar merely teaches a single server 104 and a plurality of client computers 102 that are connected through the internet 108. *See* Pivowar, col. 4, lines 8-15, and Fig. 3. In the Office Action, the Examiner asserted that Pivowar teaches both a private host computer and a public host computer by the disclosure of the *single* server 104. Office Action, page 6. However, Applicants respectfully assert that the *single* server 104 cannot be both a *private* host computer and a *public* host computer. Further, Applicants assert that Pivowar '236 fails to remedy the deficiencies of Pivowar.

Accordingly, Applicants assert that the cited references do not include each and every element of independent claim 25. In view of the deficiencies in the cited references, Applicants respectfully request that the Examiner withdraw the rejection of claim 25, and provide an indication of allowance. Further, Applicants request that the Examiner withdraw the rejection of claims 26-30, which depend from claim 25 and provide an indication of

allowance based on their dependence from an allowable claim and based on unique matter recited in each claim.

Second Rejection under 35 U.S.C. § 103

As set forth above, the Examiner rejected claims 3, 12, 23, 24, 31 and 32 under 35 U.S.C. § 103(a) as being unpatentable over Pivowar in view of Pivowar '236 and further in view of Carlson. Regarding dependent claims 3 and 23, the Examiner stated:

As per claim 3, the device of Pivowar and Pivowar '236 teaches the device wherein the calendaring program is adapted to provide the display of both calendars corresponding to the family-related matters and work-related matters (Pivowar '236, Fig. 9B). However, the device of Pivowar and Pivowar '236 fails to provide a calendar corresponding to a merger of the family and work related calendars. Carlson teaches a calendaring program on a palm pilot which allows for the merger of calendar items from different categories to merge into one category (page 152, Tips section). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Carlson's teaching with the device of Pivowar and Pivowar '236 in order to view and organize a list of calendar items simultaneously.

Claims 23 and 31 are similar in scope to claim 3, and are therefore rejected under similar rationale.

As discussed above, independent claims 1 and 13 have been amended to recite subject matter originally set forth in dependent claims 3 and 23, respectively. Further, as discussed above, the Examiner has admitted that the combination of Pivowar and Pivowar '236 does not disclose the subject matter presently claimed by claims 1 and 13. Further, Applicants respectfully assert that the Carlson reference, which was cited by the Examiner with regard to the rejection of claims 3 and 23, cannot be combined with Pivowar and Pivowar '236 to include all of the elements recited in the Applicants' claims.

Applicants respectfully assert that there are at least two deficiencies in the references cited by the Examiner. First, Applicants assert that none of the cited references teach or

suggest a *calendar* corresponding to a *merger* of family-related matters and work-related matters. Second, Applicants assert that none of the cited references teach or suggest a merged calendar adapted to display *icons* that distinguish between family-related matters and work-related matters, as recited in amended independent claims 1 and 13.

Regarding the first deficiency, the Examiner admitted that the combination of “Pivowar and Pivowar ‘236 fails to provide a calendar corresponding to a merger of the family and work related calendars.” Office Action, page 7. The Examiner attempted to cure this deficiency by asserting that “Carlson teaches a calendaring program on a palm pilot which allows for the merger of calendar items from different categories to merge into one category (page 152, Tips section).” *Id.* However, the cited portion of Carlson is not related to a calendaring program. Rather, it falls under the subtitle “Categorizing To Do Items and Memos.” Carlson, page 152. After discussing how to set up categories in a To Do List and Memo Pad, Carlson states: “You can merge categories without changing each record individually. Simply rename the categories so they share the same name; you will receive a dialog box confirming your action.” *Id.*

In contrast to the subject matter actually disclosed by Carlson, claims 1 and 13 are directed to a *calendaring program* adapted to provide at least one calendar corresponding to family-related matters, at least one calendar corresponding to work-related matters, and at least one calendar corresponding to a merger of the family-related matters and work-related matters. In contrast, it is apparent that Carlson merely teaches the merging of categories for To Do Lists and Memo Pads, not a calendaring program. Further, it is apparent that Carlson teaches merging two existing categories into a single category such that the existing categories are *eliminated*. See Carlson, page 152. This is clear because the procedures for

merger comprise renaming existing categories such that the categories share the same name.

Id. To the contrary, claims 1 and 13 recite *at least one* merged calendar along with *at least one* calendar corresponding to family-related matters and *at least one* calendar corresponding to work-related matters. Indeed, according to the recitations of claims 1 and 13, the non-merged and merged calendars coexist.

Regarding the second deficiency, assuming without admitting that the cited references combine to provide a calendar corresponding to a merger of the family and work related calendars, Applicants assert that the cited references remain deficient. Specifically, applicants stress that the cited references still fail to teach or suggest a merged calendar adapted to display *icons* that distinguish between family-related matters and work-related matters.

Accordingly, Applicants assert that the cited references do not include each and every element of independent claims 1 and 13. In view of the deficiencies in the cited references, Applicants respectfully request that the Examiner withdraw the rejection of claims 1 and 13, and provide an indication of allowance. Further, Applicants request that the Examiner withdraw the rejection of claims depending from claims 1 and 13 and provide an indication of allowance based on their respective dependencies and based on unique matter recited in each claim.

Conclusion

As discussed above, the cited references are deficient with regard to independent claims 1 and 13. Claims 3, 12, 23, and 24 depend from claims 1 and 13, respectively. Accordingly, Applicants respectfully assert that these claims are in condition for

allowance based on their respective dependencies and based on unique matter recited therein. Additionally, Carlson does not remedy the deficiencies of Pivowar and Pivowar '236 with regard to independent claim 25, as discussed regarding the first rejection under 35 U.S.C. § 103. Accordingly, Applicants respectfully assert that claims 31 and 32, which depend from claim 25, are in condition for allowance. Applicants therefore request that the Examiner withdraw rejection of claims 3, 12, 23, 24, 31 and 32, and provide an indication of allowance.

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims 1-32. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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